

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

WANDA DURYEA, MATTHEW  
HOSKING, JOHN MCKEE, LISA  
MELEGARI, MICHAEL REILLY,  
SANDRA STEFFEN, PAUL GLANTZ,  
EDWIN BLAKEY, JENNIFER  
SULLIVAN, LISA AXELROD, ANBESSA  
TUFA AND CHRISTINA HALL,

Plaintiffs,

v.

AGRI STATS, INC., CLEMENS FOOD  
GROUP, LLC, HORMEL FOODS  
CORPORATION, INDIANA PACKERS  
CORPORATION, JBS USA, SEABOARD  
FOODS, LLC, SMITHFIELD FOODS,  
INC., TRIUMPH FOODS, LLC, AND  
TYSON FOODS, INC.

Defendants.

Case No. 18-cv-01776-JRT-HB

**STIPULATION TO EXTEND TIME AND  
TO ACCEPT SERVICE OF COMPLAINTS**

Several civil actions have been filed in this district alleging that defendants engaged in a conspiracy to fix, raise, maintain, and stabilize the price of certain pork products (the “Actions”). In addition to the above-captioned case, these Actions include: *Maplevale Farms, Inc. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1803 (D. Minn.), *John Gross and Company, Inc. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1810 (D. Minn.), *Sandee’s Bakery v. Agri Stats, Inc.*, Case No. 18-CV-1891 (D. Minn.), *Ferraro Foods, Inc., et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-1946 (D. Minn.), *Litterer, et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-2008 (D. Minn.), *Realdine v. Agri Stats, Inc., et al.* Case No. 18-CV-2044 (D. Minn.), *Olean Wholesale Grocery Cooperative, Inc. v. Agri Stats, Inc., et al.*, Case No. 18-CV-2058 (D. Minn.), and *Bear’s Restaurant Group, et al. v. Agri Stats, Inc., et al.*, Case No. 18-CV-2113 (D. Minn.).

The plaintiffs in these Actions intend to file at least one consolidated amended class action complaint (“CAC”) on or before August 17, 2018 in this district. So as to preserve both party and judicial resources, Plaintiffs Wanda Duryea, Matthew Hosking, John McKee, Lisa Melegari, Michael Reilly, Sandra Steffen, Paul Glantz, Edwin Blakey, Jennifer Sullivan, Lisa Axelrod, Anbessa Tufa, and Christina Hall (“Plaintiffs”) and defendants Agri Stats, Inc., Clemens Food Group, LLC, Hormel Foods Corporation, Indiana Packers Corporation, Seaboard Foods, LLC, Smithfield Foods, Inc., Triumph Foods, LLC, and Tyson Foods, Inc. (collectively, “Stipulating Defendants”), by and through their undersigned counsel, stipulate to the following:

1. Except as provided in paragraph 3 of this Stipulation, Stipulating Defendants are not required to respond to the complaints that have been filed in this or any of the Actions, even where a Stipulating Defendant has been served with a complaint or agreed to accept service of a complaint in one or more of the Actions.

2. Stipulating Defendants agree to accept service of the complaints in the Actions with which they have not yet been formally served as well as the CAC(s) and any future related complaints by electronic mail on the respective undersigned counsel for each Stipulating Defendant.

3. Stipulating Defendants shall answer, move or otherwise respond to the CAC(s) within 60 days following the filing and service under the terms of this Stipulation of the latest-filed CAC on the last Stipulating Defendant or October 1, 2018, whichever is later.

4. Plaintiffs and the Stipulating Defendants stipulate and agree that the entry into this stipulation by the Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or otherwise, or (c) any other statutory or common law defenses that may be

available to the Stipulating Defendants in this or any other action. The Stipulating Defendants expressly reserve their rights to raise any such defenses (or any other defense) in response to either the CAC(s) or any amended complaint that may be filed relating to these Actions or others subsequently filed and served, if any.

5. Plaintiffs further agree that this extension is available, without further stipulation with counsel for Plaintiffs, to any named defendants who notify Plaintiffs in writing of their intention to join this Stipulation.

6. Defendants agree to accept service of process for the CAC(s) by ECF or by email sent to the below-identified counsel in the event the ECF filing notice for the CAC(s) does not identify such counsel as a recipient of the ECF notice.

7. Counsel for each defendant that has been served with a complaint either through formal service or as provided in paragraph 2 of this Stipulation will file a notice of appearance on behalf of their client no later than July 27, 2018.

**IT SO STIPULATED.**

Dated: July 24, 2018

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